UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/587
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 26 JUNE 1998 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the upcoming meeting of the Security Council, on Tuesday, 30 June 1998, with regard to the situation in the occupied Palestinian territory, including Jerusalem.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

98-18709 (E) 300698

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/588
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 29 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF BAHRAIN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request the Security Council to extend an invitation, under rule 39 of the provisional rules of procedure of the Security Council, to Mr. Ali Al-Salafi, Chargé d'affaires, a.i. of the Office of the Permanent Observer for the League of Arab States to the United Nations, to participate in the formal open debate of the Security Council on the situation in the occupied Arab territories, which will take place on Tuesday, 30 June 1998.

(Signed) Jassim M. BUALLAY
Ambassador
Permanent Representative

98-18715 (E) 300698

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/589
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 29 JUNE 1998 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF CROATIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I have the honour to enclose the text of the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, adopted by the Croatian State Parliament on 26 June 1998 (see annex).

I would kindly request your assistance in distributing the present letter and its annex as a document of the Security Council.

(Signed) Jelena GRČIĆ POLIĆ
Chargé d'affaires

98-18737 (E) 010798

/...

Annex

Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, adopted by the State Parliament of Croatia on 26 June 1998

BASIC PRINCIPLES

1. The Republic of Croatia recognizes the inalienable right to return of all Croatian citizens and all categories of persons that can be regarded as refugees in accordance with the definitions of the 1951 Geneva Convention, to which the Republic of Croatia is a signatory, and the other relevant UN instruments.

2. In the elaboration, as well as the further implementation of the Program for the Return and Accommodation of Displaced Persons, Refugees and Resettled Persons (hereafter, the Program), the Government of the Republic of Croatia stands by its commitments as a result of the co-signing of the General Framework Agreement for Peace in Bosnia and Hercegovina.

All the categories of persons defined by the Geneva Convention and to whom this Program refers who have, for various reasons, left their homes, will enjoy their rights as returnees on the basis of full equality. The Government will propose to the Croatian State Parliament, in the term of 3 months, to change the existing laws which were passed in response to real needs at the time in a way that all of the different categories to whom this program refers would be equal in their status as returnees. Bilateral agreements and protocols on the return that the Government has signed with governments or entities of other countries serve as a useful instrument for encouraging return, and can in no way be used as instruments for hindering a persons right to exercise their right to return.

3. The exercise of the right to return, whether organized or spontaneous, depends exclusively upon the individual will of the person who wants to return. Therefore, return is voluntary, and should be based on a free and well informed choice. Regardless of the way of return, all returnees will receive equal treatment.

4. In connection with the exercise of the right to return, the Government reiterates its commitment to implement the constitutional right of the owner to enjoy, enter into possession and freely dispose of his property.

5. Having all this in mind, the Government has elaborated the following program in cooperation with the UN High Commission for Refugees (UNHCR), who has a leading role in the solution of the regional refugee issue, and with the support of the Organization of Security and Cooperation in Europe (OSCE):

INTRODUCTORY REMARKS

1. The return shall be guaranteed, ensured and supported by defining measures in order to remove all the obstacles to the return, especially by the creation of favorable political, economic, and legal framework for the implementation of the return.

2. The return is to be ensured and expedited by defining and ensuring the necessary organizational, security, material and other favorable conditions for return.

3. The return shall be actively supported by the Government both on central and local level and in close cooperation with UNHCR as well as the Governments of the countries of asylum.

4. At its 14 May 1998 session, the Government appointed a Commission to include:

- an Assistant Minister of Development and Reconstruction, to chair the Commission;
- the Head of the Office for Displaced Persons and Refugees (ODPR);
- the Deputy Minister of Justice;
- the Deputy Minister of Labor and Social Welfare;
- an Assistant Minister of Foreign Affairs;
- an Assistant Minister of the Interior;
- an Assistant Minister of Finance;
- a head of department at the Ministry of Public Administration;
- an advisor to the Prime Minister.

The purpose of the Commission is to devise a Program to monitor the implementation thereof, and maintain cooperation with the UNHCR in issues relative to its creation and monitoring the implementation thereof. The Commission will convene twice a month as a rule, or as necessary.

5. After the Program has been adopted by the Government and discussed by the Croatian State Parliament, the Commission identified in Point 4 above shall propose to the Government a Co-Chairman and Members of a Coordination Committee from among ministries and Government bodies that directly deal with issues of return. Together with representatives of the international community (UNHCR, OSCE, UN Representative of the Secretary General, UN Development Program, UNICEF, UN Mine Action Center), Article 11 Commission, donors and NGOs, those will constitute the said Coordination Committee to monitor the return. Once in three months, or more frequently if necessary, the Commission will inform the Committee on the return process. During the same period of time, the Committee will submit its opinions and recommendations in order to make the process of return more efficient. The Coordination Committee will help raise extra-budgetary funds to finance return.

6. The process of voluntary return, as well as the documentation required for the return in safety and dignity, shall be in accordance with the "Procedures for Individual Return of Persons who have Left the Republic of Croatia" that the Government accepted at its session of 27 April 1998, including the "Mandatory Instructions" adopted at the Government session of 14 May 1998.

7. In cooperation with the National Committee to monitor the implementation of the "Program for Re-establishment of Trust, Accelerated Return and Normalization of Life in War-Affected Areas of the Republic of Croatia", and in accordance with the aforesaid program, the Commission will help create conditions for return at the central and the local level.

8. The Government has proposed to the Croatian State Parliament to repeal the "Law on Temporary Takeover and Administration of Specified Property" and the "Law on the Lease of Apartments in the Liberated Areas" and will frame legal regulations addressing the issues stemming from the abolition of these laws. After the Government made this proposal to the Croatian State Parliament, procedures to accommodate persons under these laws have ceased to be applicable.

9. The Commission to devise, implement and monitor the Program shall coordinate the work of the housing commissions, which will be set up in the municipalities and cities of return, with the following purposes:

- to register the use of real estate;
- to issue certificates to the Commission and the ODPR on ways the property is used;
- to record and issue information on damage to housing units;
- to receive applications for the retrieval of real estate in which other persons are housed;
- to find temporary or alternative accommodation for returnees until their housing is restored through the system of reconstruction, by way of non-returnable funds for the categories I - III of damage, or by way of organized reconstruction for categories IV-VI;
- to implement the "Program for Accommodation of the Users of Property under Temporary Administration of the Republic of Croatia, which Must Be Returned for Possession and Use to the Owner";
- to provide accommodation in state-owned apartments to persons currently housed in temporarily used property;
- to cooperate with the Agency to Mediate in Transactions of Specified Real Estate (APN), with a view to simpler and more expedient purchase or exchange of property among persons who do not want to return;
- to submit reports to the Commission on the return;
- to engage in other affairs relative to the return of persons and property.

10. In cooperation with the UNHCR, the ODPR will register all applicants for repatriation outside the Republic of Croatia in order to create a database needed for planning all relevant factors of return, in accordance with the general UN principles of

return. The inclusion of any individual in the data bank is not a prerequisite for the return. In cooperation with the UNHCR, the Commission will continuously collect relevant information required for long-term planning, especially with regard to reconstruction and development of activities of the Government and its international partners.

11. The Government will provide for the security in the areas of return. On a monthly basis, the Ministry of the Interior will inform the Commission in writing on any difficulties encountered pertaining to return, which fall within its purview. The Commission and the Coordination Committee will hold public sessions, including participation of interested monitors and media, as per prior agreement. Visits to areas where objective difficulties of return may arise, will be conducted jointly, including Government representatives on the Commission and the Coordination Committee and representatives of the international community. Such visits will be followed by a joint press statement, or a joint press conference will be called as agreed.

12. In a complex process of the return, the public quality of the Commission's work, the assistance of the UNHCR, and the monitoring role of the OSCE continue to be the unquestionable forms of joint work.

PROCEDURES FOR RETURN

1. The return of persons who have Croatian documents and fall into the category of family re-union should be facilitated through the registration of their departure and return by the relevant refugee authority in the respective states. This registration is necessary for documenting and regulating the termination or receipt of corresponding status, which can entitle these persons to the right of social assistance from the Ministry of Labour and Social Welfare of the Republic of Croatia.

2. The return of those who do not have Croatian documents and fall into the category of family re-union, is regulated by the "Procedures for Individual Return of Persons who have Left the Republic of Croatia" and "Mandatory Instructions". After receiving documents, the procedure is the same as in Item 1.

3. The return of persons who have Croatian documents and whose house is vacant and inhabitable may continue their return according to the procedures already in place for the return of persons within the Republic of Croatia. The persons falling into this category report to the Housing Commission at the place of return.

4. The return of persons who do not have Croatian documents and whose house is vacant and inhabitable is defined as in Item 2. The remainder is the same as in Item 1.

5. Persons who do not own an apartment or a house in the Republic of Croatia and have Croatian documents, may choose their place of residence within the Republic of Croatia and return immediately. Like all other citizens of the Republic of Croatia without private property, they are eligible to apply for the social benefits program of the Ministry of Labor and Social Welfare of the Republic of Croatia once their return is registered and recorded at the ODPR, in order to regulate corresponding status.

In cases of persons who do not own an apartment or a house, specifically those who lived in socially owned apartments, the Commission would, where possible, endeavor to find permanent accommodation when this affects the return process.

6. Persons who do not own an apartment or a house in Croatia and do not have Croatian documents may return to the Republic of Croatia according to the procedures in Item 2. The remainder is the same as in item 5.

7. Persons with Croatian documents whose property in Croatia is devastated and in need of reconstruction may return immediately and request a decision from the respective County Office for Reconstruction. The County Office issues a decision on reconstruction within the time-span as defined by the Law on Reconstruction.

Either ODPR or Housing Commissions ensure provision of temporary accommodation to the returnee pending reconstuction, if the returnee so desires.

The Ministry of Reconstruction and Development (MDR) creates a list of individual applications and decisions for reconstruction in both groups (those in categories I-III on the national level and those in categories IV-VI on the county level). The lists shall be updated and shared with the county level authorities on a regular (monthly) basis for public information and queries, and serve to prioritize individual requests for reconstruction.

Persons within this category, whose apartment or house falls within I-III category of damage, will receive non-repayable assistance for reconstruction, according to order of request. The persons from this category, whose apartment or house falls within IV-VI category of damage, fall within the plans for reconstruction under the same conditions as all other citizens of the Republic of Croatia.

8. The return of persons who do not have Croatian documents and whose house is in need of reconstruction may return to the Republic of Croatia according to the procedures in Item 2. The remainder is the same as in Item 7.

9. Persons with Croatian documents whose property in the Republic of Croatia is used to temporarily accommodate another person, may address the Housing Commission in the municipality/city of return with a request for the return of their property. The Housing Commission informs the returning owner in writing of the status of the object within 5 days. On basis of proof of ownership the Housing Commission, within 7 days, issues a

decision annulling the temporary occupancy and requesting the temporary user to vacate the property. The Housing Commission delivers the decision in writing to the legitimate owner and the temporary user within 7 days. The decision indicates a deadline for vacating the property and the provision of alternative accommodation for the temporary user in a house or flat owned by the State.

If such alternative accommodation is lacking within the area of the municipality/city, the Housing Commission informs the Commission for the Development and Implementation of the present Program (hereafter, the Commission) and the ODPR within 5 days. The Commission shall receive all the information about the temporary user and the temporarily used property, including a request to APN and/or ODPR for priority accommodation the temporary user. The APN and/or ODPR decide upon such cases according to priority and inform directly the owner, the temporary user, the Housing Commission and the Commission.

In case that the temporary user does not vacate the property within the deadline indicated, the Housing Commission files a suit with a request for eviction of the temporary user with the Municipal Court within 7 days. The case is to be decided by the shortened procedure. The decision of the Court shall be immediately enforced. Any eventual appeal by the temporary user shall not suspend the execution of the decision of the Court and shall not delay the repossession of the property by the legitimate owner.

10. Occupancy of more that one property is illegal. Any case of illegal occupancy, be it single or multiple, whereby the occupant is using the object for any purpose other than the primary accommodation of his/her family, shall be terminated immediately. The Housing Commission issues an order for the release of these properties within 15 days upon identification of such occupancy. In case the illegal occupant refuses to release the property, the Housing Commission files a suit requesting eviction with the Municipal Court. The case is to be decided by the shortened procedure. The decision of the Court shall be immediately enforced. Any eventual appeal by a temporary user shall not suspend the execution of the decision of the Court and shall not delay the repossession of the property by the legitimate owner. The property thus vacated is restored to the legitimate owner immediately upon request; until such time, the Housing Commission is in charge of the property.

11. Persons who own an apartment or a house within the Republic of Croatia which is occupied by another person and do not have Croatian documents and want to return must first verify their citizenship according to the Procedures cited in Item 2. The reminder is the same as in Item 9 and 10.

12. The Government shall ensure the efficient and expeditious implementation of the court decisions described above. In case of delay, the Housing Commission informs the Commission of the case.

13. All categories of persons defined by the 1951 Geneva Convention as per paragraph 1 of the Basic Principles of this Program who do not have Croatian documents may return under specific ODPR authorization and upon clearance by the Ministry of Interior. Upon return, these persons will regulate their residence according to the law and may resolve their citizenship status, if they so wish, through naturalization.

14. Housing Commissions will be formed immediately upon the adoption of this Program in the municipalities/cities,town of return. The municipality/city,town mayors in areas of return appoint a 5 member commission, 2 of whom will represent the predominant minority population of the municipality. The commission is responsible for verifying ownership documents of empty houses, verifying ownership claims, composing a record of an owner's repossession of property and reporting to ODPR and the Commission within 5 days. Where decisions have to be made, they will be adopted by a majority vote with the support of at least one of the minority representatives. In the case of confirmed ownership documentation, the housing commission is obliged to allow for the undisturbed entry of the owner and the members of his/her family to the property within 5 days.

15. All persons who owned private property, apartment, or house before and after their return to the Republic of Croatia and whose speedy return of property is impossible have the right to compensation for their private property according to market conditions, which they can realize through the Agency for Mediation and Transactions of Specified Real Estate of the Government of the Republic of Croatia.

16. In order to simplify exchange of property left in Bosnia-Hercegovina (BiH) by those who are not willing to return to BiH, the Government of the Republic of Croatia shall allow opening of the offices of the BiH Commission for Real Property Claims without delay

17. The Government entitles the ODPR to organize the go-and-see visits to the areas of return in cooperation with the UNHCR and the Ministry of Interior of the Republic of Croatia. The Government will undertake a programme of mass information complementing the Programme for Re-establishment of Trust in order to facilitate this Program.

With this program, the Government of the Republic of Croatia has defined the priorities of return and will ensure the free flow of information and all other conditions of return, which are in accordance to the general principles of the return, in cooperation with UNHCR.

Following the adoption of this Program by the Government and its discussion in the croatian State parliament, Program shall commence with immediate effect.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/590
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 23 JUNE 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I wish to refer to Security Council resolution 1012 (1995) of 28 August 1995, by which the Council requested the Secretary-General to establish an international commission of inquiry into the assassination of the President of Burundi on 21 October 1993, as well as to establish a trust fund to receive voluntary contributions, as a supplement to help finance the work of the commission.

The International Commission of Inquiry in Burundi was set up in October 1995, and its final report was submitted to the Security Council on 22 August 1996. All activities of the Commission ceased soon thereafter.

I wish to inform you that the Financial Rules and Regulations of the United Nations require that the legislative authority establishing a trust fund should formally decide to close it. The assets of the trust fund would be disposed of in accordance with the same Financial Rules and Regulations and in a manner consistent with the terms of reference of the fund. I should be grateful to receive the Council's decision on the matter.

(Signed) Kofi A. ANNAN

98-18827 (E) 300698

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/591
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 30 JUNE 1998 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The Security Council takes note of the letter dated 23 June 1998 from the Secretary-General addressed to the President of the Security Council (S/1998/590), which refers to Security Council resolution 1012 (1995) of 28 August 1995, by which the Council requested the Secretary-General to establish an international commission of inquiry into the assassination of the President of Burundi on 21 October 1993, as well as to establish a trust fund to receive voluntary contributions, as a supplement to help finance the work of the commission. The letter informs the Council that, according to the Financial Rules and Regulations of the United Nations, the legislative authority establishing a trust fund should formally decide to close it.

The Security Council hereby authorizes the closing of the trust fund established pursuant to resolution 1012 (1995).

(Signed) António MONTEIRO
President of the Security Council

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Security Council

Distr.
GENERAL

S/1998/592
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 30 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF QATAR TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the Security Council extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations, during the Council's discussion of the item entitled "The situation in the occupied Arab territories".

(Signed) Nasser Bin Hamad AL KHALIFA
Ambassador
Permanent Representative

98-18821 (E) 300698

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/593
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 30 JUNE 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I have the honour to transmit to you a letter from Mr. Momir Bulatovic, President of the Federal Government of the Federal Republic of Yugoslavia, concerning the extension of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

98-18833 (E) 300698

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Annex

Letter dated 24 June 1998 from the President of the Federal Government of the Federal Republic of Yugoslavia addressed to the President of the Security Council

I am writing to you concerning the forthcoming expiration of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) and the upcoming debate in the Security Council on the subject. In its resolution 1147 (1998) of 13 January 1998, the Security Council authorized UNMOP to continue to monitor the demilitarization of Prevlaka until 15 July 1998. While accepting the terms of the resolution, the Federal Republic of Yugoslavia deems it necessary that the mandate of UNMOP be extended.

Although the security situation in the Prevlaka area has improved and tensions have been considerably reduced in comparison with the previous period, the security risks have not been removed, creating a climate of insecurity and making confidence-building measures and the search for a peaceful solution to this disputed territorial issue more difficult. These risks result from the behaviour of the Croatian side, which continues, as the Security Council has already been informed, to violate the status of the United Nations-controlled area and which does not comply with Security Council decisions. In addition to the presence of its military and special police forces in the "blue" and "yellow" zones, where military installations and positions accompanied by appropriate infrastructure and equipment have been built, the Republic of Croatia, on a daily basis, violates the security regime established by the United Nations by allowing the movement of civilians, various civilian and military vehicles and vessels in the prohibited zone. In this way, the Croatian side attempts to demonstrate the legitimacy of its authority in the area under United Nations control. This is felt by the population of Herceg Novi and Boka Kotorska as a constant threat, causing anxiety and apprehension among that population. On the other hand, the Federal Republic of Yugoslavia does not endanger in any way the inhabited areas on the Croatian side.

The Yugoslav side consistently applies the regime of demilitarization and security in the Prevlaka area. The infrequent violations of that regime from the Yugoslav side were either accidents or the result of misunderstandings over the boundaries of the zones, which were clarified in regular contacts with UNMOP.

In pursuance of Security Council resolution 1147 (1998), the Yugoslav side has taken further steps in accepting and implementing the practical options for the reduction of tension and enhancement of security in the Prevlaka area.

The Federal Republic of Yugoslavia welcomes the calls of the Security Council for a negotiated settlement of the disputed issue of Prevlaka between the two States as soon as possible. The Federal Government of the Federal Republic of Yugoslavia is prepared to embark immediately upon negotiations on the settlement of this territorial dispute in accordance with the Agreement on the Normalization of Relations between the Federal Republic of Yugoslavia and

the Republic of Croatia and in the spirit of the Charter of the United Nations and good neighbourly relations.

Proceeding from the foregoing and from the situation on the ground, the Federal Republic of Yugoslavia considers that it is necessary for the Security Council to extend the mandate of UNMOP beyond 15 July 1998 and for the United Nations military observers to remain in the area until a commonly acceptable solution to the disputed territorial issue of Prevlaka is found through bilateral negotiations. I assure you that the Federal Republic of Yugoslavia, for its part, will resume full cooperation with this important United Nations mission, and that it will extend its support to the performance of its tasks.

(Signed) Momir BULATOVIĆ

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Distr.
GENERAL

S/1998/594
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 30 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to furnish you with a copy of a letter dated 28 June 1998 from Mr. Venancio de Moura, Minister of External Relations of the Republic of Angola, addressed to the Secretary-General, with the request that it be circulated as a document of the Security Council.

(Signed) Afonso VAN-DUNEM 'MBINDA'
Ambassador
Permanent Representative

98-18842 (E) 300698

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Annex

Letter dated 28 June 1998 from the Minister of External Relations of Angola addressed to the Secretary-General

It is with deep and unbound emotion that I have learned of the passing away of the distinguished African diplomat, the Special Representative of the Secretary-General for Angola, Mr. Alioune Blondin Beye.

An unswerving paladin of the African cause, Mr. Beye has always been able to rise to the challenge of his responsibilities in the struggle against all forms of bondage of the African man. In the course of the last five years, he has shown eloquently his ability to intervene on the side of just causes, placing himself with self-abnegation unconditionally on the side of the Angolan people in the search for the restoration of peace, a peace that is denied us by enemies of Africa.

At this juncture of profound grief and consternation, we bow to the memory of the most outstanding paladin of the Angolan peace process. In his memory, I appeal to our Government's counterpart in this difficult effort of peace, the União Nacional para a Independência Total de Angola (UNITA), to show evidence of self-abnegation and commitment so as to honour the memory of Mr. Beye and all those who have fallen in this struggle.

On behalf of the Angolan diplomatic corps and in my own name, I hereby present my most heartfelt sympathy to the bereaved family, to the distinguished Secretary-General of the United Nations, to the Government and people of the sister Republic of Mali, to the whole of its diplomatic corps and to personnel of the United Nations Observer Mission in Angola.

(Signed) Venancio DE MOURA
Minister of External Relations

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Distr.
GENERAL

S/1998/595
30 June 1998

ORIGINAL: ENGLISH

LETTER DATED 29 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit a copy of a note verbale, with an attachment, dated 20 May 1998 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan, to be forwarded to the United States Department of State, on the violation of territory of the Islamic Republic of Iran by the forces of the United States of America in the Persian Gulf region.

It would be highly appreciated if the present letter were circulated as a document of the Security Council.

(Signed) Hadi NEJAD HOSSEINIAN
Ambassador
Permanent Representative

98-18877 (E) 010798

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Annex

Note verbale dated 20 May 1998 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to attach a message received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the text be transmitted to the United States Department of State and that your office be informed of their response.

Enclosure

According to information received from officials of the Government of the Islamic Republic of Iran, on 2 February 1998 at 2200 hours, a United States warship aggressed into the territorial waters of the Islamic Republic of Iran and, at the position of N2951 and E4952, anchored itself 8 1/2 miles inside the territorial waters of the Islamic Republic of Iran, without heeding the warnings coming from the Islamic Republic of Iran.

On 3 February 1998 at 0110 hours, eight United States tugboats violated the territorial waters of the Islamic Republic of Iran and stopped around an Iranian destroyer. One came close to the destroyer.

The Government of the Islamic Republic of Iran protests the entry of the United States warship and tugboats into the territorial waters of the Islamic Republic of Iran, actions which are in clear violation of international laws and regulations, as well as the fact that the warship ignored all warnings coming from the Islamic Republic of Iran. The Islamic Republic of Iran expects that activities such as these will not be repeated again.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/596
1 July 1998

ORIGINAL: ENGLISH

LETTER DATED 29 JUNE 1998 FROM THE PERMANENT REPRESENTATIVES OF BURKINA FASO, CUBA, THE LAO PEOPLE'S DEMOCRATIC REPUBLIC, MALAYSIA, SOUTH AFRICA AND ZIMBABWE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We refer to the forthcoming nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya at the beginning of July in accordance with Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 as a result of the dispute between the Libyan Arab Jamahiriya on the one hand and the United States of America and the United Kingdom of Great Britain and Northern Ireland on the other regarding the legal jurisdiction in trying the two suspects in the Pan Am flight 103 incident over Lockerbie, United Kingdom.

While the imposition of sanctions by the Security Council on one of the parties to the dispute was met with objection from the international comm[illegible]y and raised doubts about the legality of such sanctions, it has become cer[illegible] in view of the decisions of the International Court of Justice of 27 Februar[illegible]98 that there was no legal basis for the imposition of these sanctions, for the two decisions confirmed the jurisdiction of the International Court of Justice to deal with the dispute, and that the Court should be allowed to decide on the issue. The two decisions also confirmed that sanctions should not have been imposed in the first place, for they were imposed to circumvent the decisions of the Court on the dispute, and their continuation has no justification.

The majority of the membership of the United Nations emphasized during the public debate of the Security Council on 20 March 1998 the following:

1. The imposition of sanctions against one party to the dispute to satisfy the demands of the other parties was not justified, and thus the majority demanded that the sanctions should be lifted until the International Court of Justice decides on the substantive issues of the dispute;

2. Criticism of the way in which the Security Council renews the sanctions imposed on the Libyan Arab Jamahiriya every 120 days, in complete disregard of all the developments in the dispute since they were imposed the first time;

3. The lifting of the sanctions is logical, justified and a matter of urgent consideration;

4. The continuation of this situation, especially the disregard of the International Court of Justice and the will of the majority of the Member States, damages the prestige of this Organization and the credibility of its principal organs.

The Ministerial Conference of the Non-Aligned Movement, held in Cartagena, Colombia, from 18 to 20 May 1998, welcomed the decisions of the International Court of Justice. The ministers and heads of delegations called for the immediate suspension of the sanctions until the court decides on the issue. They recommended that the twelfth summit of the Movement take a decision not to continue compliance with the sanctions resolution on the basis of Article 25 of the Charter of the United Nations because they are in violation of Articles 27 (3), 32, 33, 36 and 94 of the Charter.

We, as members of the Committee of Six established by the Cartagena Ministerial Conference, and in the name of all the members of the Non-Aligned Movement, call upon the Security Council to suspend immediately the sanctions, and to await the substantive decision by the Court on the dispute. We call upon the States permanent members of the Security Council which are party to the dispute to have the ability to strike an equilibrium between considerations of national interest and their international responsibility, and not to impede the Security Council in taking the right decision, which represents the interest of the international community and expresses the will of the majority of Member States, on whose behalf the Security Council is supposed to act.

The resolutions adopted by the conferences of the Non-Aligned Movement in this regard are in fact in defence of the United Nations and its Charter. They are, at the same time, in defence of the decisions of the International Court of Justice and international law. Member States of the Non-Aligned Movement view the disregarding of the Court's decisions as well as ignoring the will of the international community as leading to a constitutional crisis that would involve the principal United Nations organs - the General Assembly, the International Court of Justice and the Security Council - thus damaging the credibility and the image of the United Nations.

In the light of all this, the majority of the Member States, led by the Non-Aligned Movement, expect the Security Council to take the necessary action to strengthen the United Nations and its credibility and act according to the will of the majority of United Nations Members, in accordance with the Charter.

Taking into consideration all of the above, we call upon the Security Council to:

1. Immediately lift the sanctions imposed on the Libyan Arab Jamahiriya by accepting one of the options submitted by the Organization of African Unity, the Arab League, the Non-Aligned Movement and the Organization of the Islamic Conference; or

2. Suspend the sanctions imposed on the Libyan Arab Jamahiriya pending the decision of the International Court of Justice on the question.

We would be grateful if you would have the present letter distributed as a document of the Security Council.

(Signed) Michel KAFANDO
Ambassador
Permanent Representative
of Burkina Faso

(Signed) Bruno RODRÍGUEZ-PARILLA
Ambassador
Permanent Representative
of Cuba

(Signed) Alounkèo KITTIKHOUN
Ambassador
Permanent Representative of the
Lao People's Democratic Republic

(Signed) HASMY Agam
Ambassador
Permanent Representative
of Malaysia

(Signed) Khiphusizi J. JELE
Ambassador
Permanent Representative
of the Republic of South Africa

(Signed) Machievenyika Tobias MAPURANGA
Ambassador
Permanent Representative
of the Republic of Zimbabwe

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/597
1 July 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 1 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the forthcoming nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya since 1992 owing to its dispute with the United States of America and the United Kingdom concerning legal jurisdiction in the trial of the two suspects in the incident in which Pan Am flight 103 was blown up over Lockerbie in 1988, the Libyan Arab Jamahiriya wishes to draw the attention of the members of the Security Council to the following facts:

First: Sanctions were imposed on the Libyan Arab Jamahiriya on the basis of mere suspicion against two of its citizens. In other words, since sanctions were imposed on the basis of doubts and not facts, they are unjustified.

Secondly: My country has dealt with the suspicion against its citizens in the framework of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, to which it had already acceded, as had the United States of America and the United Kingdom, when the incident took place and when the suspicion was declared.

Thirdly: The judicial authorities in my country called upon their counterparts in the two concerned States to cooperate with them within the framework of the Montreal Convention and they refused.

Fourthly: The Libyan Secretary for Foreign Liaison asked the Secretary of State of the United States of America and the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom for the cooperation of their countries in accordance with article 14 of the Montreal Convention and they refused.

Fifthly: The Libyan Arab Jamahiriya submitted various proposals to the Security Council; if these had been accepted, a just and equitable solution that took into consideration the interests of all parties would have been reached from the outset, as proved by the Libyan cooperation with the French authorities.

Sixthly: In the light of the refusal by the United States of America and the United Kingdom to comply with their obligations under the Montreal Convention, my country had no alternative but to resort to the International Court of Justice in accordance with the provisions of the Convention and in view of the fact that the International Court of Justice is the principal judicial organ of the United Nations.

Seventhly: Pursuant to Article 33 of the Charter of the United Nations, my country resorted to regional and international organizations, requesting the use of their good offices in the negotiation, investigation, mediation, reconciliation and judicial settlement of the dispute. The League of Arab States, the Organization of African Unity and the Movement of Non-Aligned Countries put forward several initiatives and proposals, all of which were rejected by the United States of America and the United Kingdom.

This sanctions review is of great importance in the eyes of the international community because of the significant developments which have recently taken place in connection with the legal and political handling of the dispute. These developments can be summarized as follows:

1. The International Court of Justice rendered two judgments on 27 February 1998 determining the existence of a legal dispute between the Libyan Arab Jamahiriya, on the one hand, and the United States of America and the United Kingdom, on the other hand, concerning the interpretation and application of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, a dispute which the Court is competent to consider in accordance with the provisions of the Convention. These two judgments are a legal affirmation of the positions expressed by the international community, represented in its regional and international organizations, that the dispute is of a purely legal nature and should be resolved in a legal forum.

On that basis, the sanctions imposed under Security Council resolutions 748 (1992) and 883 (1993) are now without merit, as the International Court of Justice, which has jurisdiction, is considering the basis of these resolutions.

2. The Security Council convened a meeting on 20 March 1998 to consider the dispute in the light of the two judgments of the International Court of Justice. During the meeting, the majority of Member States, on whose behalf the Security Council is supposed to act, in accordance with Article 24 of the Charter of the United Nations, affirmed that the imposition of sanctions against a party to a legal dispute in support of demands submitted by the other parties was unjustified. They called for the sanctions to be lifted and for a peaceful settlement to the dispute to be reached. They also stressed their objection to the Security Council's routine renewal of the sanctions every 120 days.

3. Over 100 days have elapsed since that meeting, and the majority of Member States are still awaiting the Council's response to their requests. That is time enough for those States, which offered the pretext of lack of time to study the two judgments of the International Court of Justice to have now done so. It

is also ample time for the Security Council to have considered the positions expressed by the international community in that meeting.

4. At the Ministerial Meeting of the Movement of Non-Aligned Countries, held in Cartagena, Colombia, from 18 to 20 May 1998, the Ministers welcomed the two judgments of the International Court of Justice and called for the immediate suspension of the sanctions imposed on the Libyan Arab Jamahiriya. They recommended that the Twelfth Summit Conference of the Movement of Non-Aligned Countries should adopt a decision not to comply with the resolutions on sanctions if the two States concerned did not respond favourably to the proposals submitted by the League of Arab States, the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference by the time of the nineteenth review of the sanctions.

5. The Assembly of Heads of State and Government of the Organization of African Unity, held in Ouagadougou, Burkina Faso, from 8 to 10 June 1998, adopted a resolution calling for the lifting of the sanctions imposed on the Libyan Arab Jamahiriya and decided not to comply with the sanctions, with effect from September 1998, if the United States of America and the United Kingdom failed to respond favourably to the proposal to try the two suspects in a third, neutral country.

The Libyan Arab Jamahiriya alone has implemented the principles of international law and international agreements and it alone has implemented and complied with the Charter of the United Nations with a view to settling its dispute with the United States of America and the United Kingdom, having:

1. Complied with the provisions of the Montreal Convention of 1971;

2. Called for resolution of the dispute over the interpretation and application of the Montreal Convention by the peaceful means stipulated in the Charter of the United Nations and the Montreal Convention;

3. Accepted the initiatives advocated by regional and international organizations for the peaceful resolution of the dispute;

4. Sought recourse to the International Court of Justice, which established that the dispute over Lockerbie is a legal dispute and that the Court has competence to examine it.

By contrast, the United States of America and the United Kingdom refused to comply with their contractual obligations under international law and international agreements, in particular the 1971 Montreal Convention, the Charter of the United Nations and the Statute of the International Court of Justice. The two States also rejected all the initiatives and options advanced by international and regional organizations for resolving the dispute.

The whole world is now aware that continuation of the sanctions will only worsen the humanitarian situation in the Libyan Arab Jamahiriya, exacerbate the suffering of the families of the victims and prolong their period of waiting. The sanctions will benefit no one in the long run; on the contrary, they will

have a reverse impact and generate feelings of bitterness and injustice, in addition to loss of confidence in the United Nations and in particular the Security Council.

It is of the utmost importance that the Security Council should leave the legal dispute to the competent United Nations organ (the International Court of Justice) and devote its time to dealing with issues which genuinely threaten international peace and security.

On the basis of the above, the Libyan Arab Jamahiriya calls upon the Security Council to:

First: Comply with the two judgments of the International Court of Justice and the will of the international community by lifting the sanctions imposed on the Libyan Arab Jamahiriya by resolutions 748 (1992) and 883 (1993);

Secondly: Affirm the right of the Libyan Arab Jamahiriya to compensation for the material and moral losses and damages which it has suffered as a result of the two above-mentioned resolutions;

Thirdly: Urge the parties concerned to reach a solution to the dispute through one of the peaceful means stipulated in the Charter of the United Nations and the Montreal Convention, or await the decision of the International Court of Justice.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abuzed O. DORDA
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/598
1 July 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 1 JULY 1998 FROM THE PERMANENT REPRESENTATIVES OF ALGERIA, EGYPT, THE LIBYAN ARAB JAMAHIRIYA, MAURITANIA, MOROCCO, THE SYRIAN ARAB REPUBLIC AND TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We refer to the forthcoming nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya at the beginning of July in accordance with Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 as a result of the dispute between the Libyan Arab Jamahiriya on the one hand and the United States of America and the United Kingdom of Great Britain and Northern Ireland on the other regarding the legal jurisdiction in trying the two suspects in the Pan Am flight 103 incident over Lockerbie, United Kingdom.

While the imposition of sanctions by the Security Council on one of the parties to the dispute was met with objection from the international community and raised doubts about the legality of such sanctions, it has become certain in view of the decisions of the International Court of Justice of 27 February 1998 that there was no legal basis for the imposition of these sanctions, for the two decisions confirmed the jurisdiction of the International Court of Justice to deal with the dispute, and that the Court should be allowed to decide on the issue. The two decisions also confirmed that sanctions should not have been imposed in the first place, for they were imposed to circumvent the decisions of the Court on the dispute, and their continuation has no justification.

The majority of the membership of the United Nations emphasized during the public debate of the Security Council on 20 March 1998 the following:

1. The imposition of sanctions against one party to the dispute to satisfy the demands of the other parties was not justified, and thus the majority demanded that the sanctions should be lifted until the International Court of Justice decides on the substantive issues of the dispute;

2. Criticism of the way in which the Security Council renews the sanctions imposed on the Libyan Arab Jamahiriya every 120 days, in complete disregard of all the developments in the dispute since they were imposed the first time;

3. The lifting of the sanctions is logical, justified and a matter of urgent consideration;

4. The continuation of this situation, especially the disregard of the International Court of Justice and the will of the majority of the Member States, damages the prestige of this Organization and the credibility of its principal organs.

The Arab Summit Conference held in Cairo in 1996 called for lifting of the sanctions imposed on the Libyan Arab Jamahiriya. Furthermore, the Council of the League of Arab States welcomed the two judgments of the International Court of Justice and demanded the immediate lifting of those sanctions.

The Arab requests were reinforced by the declaration of the Ministerial Meeting of the Movement of Non-Aligned Countries, held in Cartagena, Colombia, from 18 to 20 May 1998, which also welcomed the two judgments of the International Court of Justice concerning the dispute and called for the immediate suspension of the sanctions imposed on the Libyan Arab Jamahiriya until delivery of the judgment by the International Court of Justice. The Ministers recommended that the Twelfth Summit Conference of the Movement of Non-Aligned Countries should adopt a resolution that would end compliance with the resolutions on sanctions if the Western States concerned failed to respond favourably, by the date of the scheduled review in July 1998, to the proposals put forward by the League of Arab States, the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference.

The Arab requests were further reinforced by the decision of the Assembly of Heads of State and Government of the Organization of African Unity, held in Ouagadougou, Burkina Faso, from 8 to 10 June 1998, to request the lifting of the sanctions imposed on the Libyan Arab Jamahiriya and to comply no longer with the resolutions on sanctions, with effect from September 1998, if the United States and the United Kingdom failed to respond favourably to the proposal to try the two suspects in a third, neutral country.

The decisions issued by these forums are based on the Charter of the United Nations and represent the position of the majority of the international community, on whose behalf the Security Council is supposed to act. The Security Council's disregard of all these calls and decisions issued by the League of Arab States, the Organization of African Unity and the Movement of Non-Aligned Countries since the beginning of the dispute makes light of the will of these States and their organizations at a time when the Council acts according to the wishes of other regional organizations with regard to problems and disputes occurring within their geographical sphere. The Security Council is therefore requested immediately to lift the sanctions imposed on the Libyan Arab Jamahiriya.

We, the members of the Arab Committee of Seven, believe that compliance with the judgments of the International Court of Justice and response to the will of the international community, will strengthen the credibility of the principal organs of the United Nations and prevent these organs from plunging into a constitutional crisis that would damage their prestige.

Taking into consideration all of the above, we call upon the Security Council to:

1. Immediately lift the sanctions imposed on the Libyan Arab Jamahiriya by accepting one of the options submitted by the Organization of African Unity, the Arab League, the Non-Aligned Movement and the Organization of the Islamic Conference; or

2. Suspend the sanctions imposed on the Libyan Arab Jamahiriya pending the judgment of the International Court of Justice on the issue.

We should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ali HACHANI
Ambassador
Permanent Representative
of Tunisia

(Signed) Nabil ELARABY
Ambassador
Permanent Representative
of Egypt

(Signed) Abdallah BAALI
Ambassador
Permanent Representative
of Algeria

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative
of Morocco

(Signed) Mikhail WEHBE
Ambassador
Permanent Representative of the
Syrian Arab Republic

(Signed) Mahfoudh OULD DEDDACH
Ambassador
Permanent Representative
of Mauritania

(Signed) Abuzed O. DORDA
Ambassador
Permanent Representative
of the Libyan Arab Jamahiriya

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/599
1 July 1998

ORIGINAL: ENGLISH

LETTER DATED 1 JULY 1998 FROM THE REPRESENTATIVES OF CAMEROON, GHANA, TUNISIA, UGANDA AND ZIMBABWE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Reference is made to the nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya at the beginning of July, in accordance with Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 as a result of the dispute between the Libyan Arab Jamahiriya on the one hand and the United States of America and the United Kingdom of Great Britain and Northern Ireland on the other regarding the legal jurisdiction in trying the two suspects in the Pan Am Flight 103 incident over Lockerbie, United Kingdom.

The imposition of sanctions by the Security Council on one of the parties to the dispute was met with objections from the international community and raised doubts about the legality of imposing such sanctions. It has become certain, after the decisions of the International Court of Justice of 27 February 1998, that there were no legal bases for the imposition of these sanctions, for the two decisions confirmed the jurisdiction of the International Court of Justice to deal with the dispute, and that the Court should be allowed to pronounce itself on the issue. The two decisions confirmed that sanctions should not have been imposed in the first place, for they were imposed to circumvent the decisions of the Court, and that their continuation has no jurisdiction.

The majority of the membership of the United Nations emphasized during the Security Council's public debate on 20 March 1998 the following:

1. The imposition of sanctions against one party to the dispute to satisfy the demands of the other parties was not justified, and thus the majority demanded that the sanctions should be suspended until the International Court of Justice decides on the substantive issues of the dispute;

2. Criticism of the way in which the Security Council renews the sanctions imposed on the Libyan Arab Jamahiriya every 120 days in complete disregard of all the developments in the dispute since they were impored the first time;

3. The lifting of the sanctions, therefore, is logical, justified and a matter for urgent consideration;

4. The continuation of the sanctions and the disregard of the decisions of the International Court of Justice and the will of the majority of the Member States threatens the prestige of this Organization and the credibility of its principal organs.

The summit of the Organization of African Unity held in Harare (2-4 June 1997) adopted a declaration that contained three options for solving the dispute, called upon the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya and cautioned that the continuation of the sanctions would compel the African States to devise other measures of sparing the Libyan people further suffering.

The Ouagadougou summit (8-10 June 1998) reinforced the 1997 Harare position, expressed its concern over lack of action by the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya and indicated that it might be compelled to take appropriate measures to end the suffering of the Libyan people.

African leaders are concerned about the continuing disregard of their demand to the Security Council, while demands emanating from other regions are acted upon without much debate.

The decision of the African summit is, in fact, in defence of the Charter of the United Nations and thus its decision cannot in any way be considered as being against the Security Council or the Organization.

The African continent has given the Security Council ample time to act on behalf of the majority of the Member States. It has previously called upon the Security Council, time and again, to lift the sanctions imposed on the Libyan Arab Jamahiriya.

We, as members of the Committee of Five and in the name of all the African States, call upon the Security Council to lift the sanctions immediately and to await the substantive decision by the International Court of Justice regarding the dispute. We call upon the States permanent members of the Security Council that are party to the dispute to strike an equilibrium between considerations of national interest and their international responsibility. We call upon them not to impede the Security Council in taking the right decision, which represents the will and the interests of the international community as a whole.

The African States hold the view that disregarding the decision of the International Court of Justice and ignoring the will of the international community will lead to a constitutional crisis which would involve the principal organs of the United Nations - the General Assembly, the International Court of Justice and the Security Council - and would damage the credibility, as well as the image, of the United Nations.

Pursuant to the decisions of the African summits, the two decisions of the International Court of Justice and the will of the international community,

which was clearly expressed at the open session of the Security Council on 20 March 1998, we call upon the Security Council to take a decision to:

1. Immediately lift the sanctions imposed on the Libyan Arab Jamahiriya and accept one of the options submitted by the Organization of African Unity, the Arab League, the Non-Aligned Movement and the Organization of the Islamic Conference; or

2. Suspend the sanctions imposed on the Libyan Arab Jamahiriya pending the decision of the International Court of Justice on the question.

We would be very grateful if you would have the present letter distributed as a document of the Security Council.

(Signed) Jean-Marc MPAY
Chargé d'affaires a.i.
Permanent Mission of Cameroon
to the United Nations

(Signed) Ali HACHANI
Ambassador
Permanent Representative of
Tunisia to the United Nations

(Signed) Jacob Botwe WILMOT
Ambassador
Permanent Representative of
Ghana to the United Nations

(Signed) Matia SEMAKULA KIWANUKA
Ambassador
Permanent Representative of
Uganda to the United Nations

(Signed) Machivenyika MAPURANGA
Ambassador
Permanent Representative of
Zimbabwe to the United Nations

UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/53/164
S/1998/600
1 July 1998
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-third session
Item 54 of the preliminary list*
CONSEQUENCES OF THE IRAQI OCCUPATION
OF AND AGGRESSION AGAINST KUWAIT

SECURITY COUNCIL
Fifty-third year

Letter dated 29 June 1998 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a copy of the final communiqué adopted by the Ministerial Council of the Gulf Cooperation Council at its sixty-seventh session, held at the seat of its secretariat in Riyadh on 28 June 1998.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 54 of the preliminary list, and of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

* A/53/50.

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Annex

Final communiqué adopted by the Ministerial Council of the Gulf Cooperation Council at its sixty-seventh session, held in Riyadh on 28 June 1998

The Ministerial Council of the Gulf Cooperation Council (GCC) held its sixty-seventh session on 28 June 1998 at the seat of its secretariat, His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait and Chairman-in-Office of the Council, presiding. The meeting was attended by:

His Excellency Sheikh Hamdan Bin Zayed Al Nahyan, Minister of State for Foreign Affairs of the United Arab Emirates;

His Excellency Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

His Excellency Mr. Yousef Bin Alawi Bin Abdullah, Minister responsible for Foreign Affairs of the Sultanate of Oman; and

His Excellency Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of Qatar.

His Excellency Sheikh Jamil Bin Ibrahim al-Hegelan, Secretary-General of the Gulf Cooperation Council, also participated in the meeting.

The Ministerial Council reviewed measures previously taken and follow-up action to the recommendations and decisions adopted by its ministerial and technical committees since the sixty-sixth session in the political, military and economic fields and on social affairs, questions relating to information and security-related developments.

Progress made in cooperation

The Council was informed of the measures, recommendations and decisions adopted for the promotion of joint economic action by the GCC States by a number of its ministerial and technical committees. It reviewed the decisions taken by the Committee on Financial and Economic Cooperation at its forty-seventh meeting on the classification of goods and the standardization of the customs tariff for member States vis-à-vis the rest of the world as a preliminary step towards the establishment of a customs union. The Council expressed satisfaction at the progress made in that regard. It also reviewed the action taken by the Committee on measures for the implementation of the decisions of the Supreme Council on promoting a greater degree of economic self-sufficiency, and it endorsed the agreements reached with regard to value added, national ownership and measures for the refurbishing of factories in the Gulf States. The Ministerial Council recommended that the paper entitled "The general framework

of the GCC population strategy', on which agreement had been reached by the Planning and Development Committee at its sixth (special) meeting, should be submitted to the Supreme Council for its endorsement. The Council took note of the results of the ninth (special) meeting of the Committee on Agricultural and Hydrological Cooperation as they concerned the projects for comprehensive surveys of the shrimp fisheries and of benthic fish stocks, and it also noted the recommendations relating to the rationalization of water use.

The Council received a report on negotiations and discussions with States and international economic groupings. It heard briefings on the visit of the general coordinator of negotiations to the European Commission and on the visit of a European Commission delegation to the GCC secretariat for discussions on a free-trade agreement with the European Union. It gave instructions for the preparation of a draft Gulf proposal for submission to the European side and directed that the negotiations on the free-trade agreement should proceed.

In the context of social affairs, the Council considered communications from a number of its ministerial and technical committees dealing with education, human resources, health, culture and youth on the promotion of joint action in these fields. It endorsed the recommendations made in their regard.

The Council reviewed a secretariat memorandum concerning progress made in military and security-related cooperation among member States, and it expressed satisfaction at the steps taken in this field since its last session. It decided to submit the relevant recommendations to the Supreme Council. It further reviewed a secretariat report on cooperation in the field of information, and it decided to promote joint action in that context.

Political affairs

Implementation by Iraq of the Security Council resolutions relating to its aggression against Kuwait

The Council discussed developments in connection with the implementation by Iraq of the Security Council resolutions relating to its aggression against Kuwait, and it affirmed its support for the efforts of the Special Commission for the elimination of Iraq's weapons of mass destruction. It called upon Iraq to cooperate fully with the Special Commission and to enable the Special Commission to perform its tasks in accordance with the modalities set forth in the Security Council resolutions relating to its work.

The Council reaffirmed that Iraq must implement all the other relevant Security Council resolutions without exception and without imposing conditions, particularly those relating to the release of Kuwaiti and third-country prisoners and detainees, that it must comply with resolution 949 (1994) by refraining from any hostile or provocative action against neighbouring States and that it must return the Kuwaiti property seized. Only thus could the sanctions imposed on Iraq be mitigated and the suffering of the Iraqi people relieved.

The Council noted with great concern and indignation the statements made by the Vice-President of the Republic of Iraq casting doubt on Security Council

resolution 833 (1993) concerning the demarcation of the boundaries between Kuwait and Iraq. It affirmed its rejection of those statements in view of the great danger they posed for the security and stability of the region and the threat they represented to the security and sovereignty of Kuwait. The Council called upon the international community to adopt concrete deterrent measures in order to counter Iraq's constant defiance of the relevant Security Council resolutions.

The Council reiterated the view expressed in its previous communiqués that Iraq must acknowledge that the invasion and occupation of Kuwait were in violation of the inter-Arab and international covenants, the international rule of law, the Pact of the League of Arab States, the Joint Defence and Economic Cooperation Treaty between the States of the Arab League and the Charter of the United Nations. It also renewed its call to Iraq to take the necessary steps to demonstrate its peaceful intentions towards Kuwait and the States of the region by word and deed so as to ensure the security and stability of all the States of the region.

The Council expressed the hope that the plan for the distribution of basic humanitarian needs to the Iraqi people would be given effect as soon as possible in implementation of Security Council resolution 1153 (1998), which had the aim of mitigating the suffering of the Iraqi people.

In this context, the Council stressed the firmly established and well known positions it had taken with respect to the preservation of the independence, unity and territorial integrity of Iraq.

<u>The occupation of the three islands belonging to the United Arab Emirates, and relations with Iran</u>

(a) <u>The occupation of the three islands belonging to the United Arab Emirates</u>

The Council reviewed developments with regard to the issue of Iran's occupation of the Greater Tunb, the Lesser Tunb and Abu Musa, islands that belong to the United Arab Emirates, in the light of the visit of the Minister for Foreign Affairs of the Islamic Republic of Iran to Abu Dhabi on 23 May 1998. It expressed its optimism at the results achieved by that visit and its hope that continued contacts between the two countries would be conducive to a positive response by the Iranian Government to the sincere appeals made to it to pursue peaceful means to resolve the ongoing dispute concerning the islands in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice. At the same time, the Council stressed its established position affirming the sovereignty of the United Arab Emirates over the three islands and its unconditional support for all the peaceful measures it is taking to re-establish that sovereignty. It again urges the Iranian Government to end its occupation of the islands, to rescind all unilateral measures taken in the past and remove all of the installations built, and to resolve the dispute by peaceful means in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice.

(b) Relations with Iran

The Council considered developments in connection with its relations with Iran in the light of the positions taken by its member States on the basis of their conviction that it is important to maintain good relations with the Islamic Republic of Iran in accordance with the principles of good-neighbourliness, mutual respect, non-interference in the internal affairs of other States, the non-use or threat of use of force and the peaceful settlement of disputes. The Council noted that there were encouraging indications, as exemplified by increased contacts and bilateral meetings between GCC member States and the Islamic Republic of Iran, and it expressed its optimism that such meetings and official visits would have positive results that would strengthen mutual trust, establish good faith and lead to the peaceful resolution of outstanding differences, and primarily the issue of the occupation of the three islands belonging to the United Arab Emirates, with a view to ensuring security and stability in the region.

The peace process in the Middle East

In accordance with the firmly established positions taken by the GCC member States with regard to the peace process in the Middle East, the Council reviewed ongoing developments in this regard. It expressed deep concern that Israel was maintaining its position of intransigence and of refusing to implement the agreements concluded with the Palestinian National Authority or to comply with the undertakings given to Arab and international parties. It considered that Israel's attitude had thwarted international and Arab efforts to salvage the peace process from the critical situation in which it found itself.

The Council expressed its unconditional rejection and condemnation of the Israeli Government's decision to expand the geographical boundaries of Jerusalem and alter its demographic composition in violation of international law and the relevant United Nations resolutions. It also condemned Israel's policy of expanding its settlements in the occupied Palestinian Arab territory and its decision to establish an armed militia consisting of Israeli settlers. The Council considers that such actions are in flagrant violation of the terms of reference of the Madrid Peace Conference, of all the relevant resolutions of the United Nations General Assembly and Security Council and, in particular, of resolution 252 (1968), in which the Security Council considers that Israel's actions with regard to Jerusalem are invalid.

The Ministerial Council commended the international consensus on the need for the peace process to proceed on the basis of the relevant United Nations resolutions and the principle of land for peace, in accordance with Security Council resolutions 242 (1967) and 338 (1973) and the terms of reference of the Madrid Conference. It affirmed that Israel must be required to implement the agreements concluded with the Palestinian National Authority and to resume negotiations with Syria from the point at which they were suspended and that there must be full Israeli withdrawal from the occupied Syrian Arab Golan to the boundary line of 4 June 1967 as well as from southern Lebanon and the western Bekaa, in accordance with Security Council resolution 425 (1978).

...

In this connection, the Council renewed its call to the co-sponsors of the peace process, and in particular to the United States of America, to redouble the efforts being made to salvage the peace process and to avert failure. It further called upon the United States Administration to take urgent action to overcome the obstacles to the peace process and to announce officially its plan for redeployment in the West Bank. On that basis, the Council expressed its conviction that there must be thorough preparation for any Arab summit meeting if it was to succeed in helping to salvage the peace process.

The Council renewed its call to the European Union and its member States to step up their efforts to ensure a just and comprehensive peace in the region, and it commended in this connection the position taken by the European Union with regard to the peace process in the Middle East and its continued support to the Palestinian National Authority.

Elimination of weapons of mass destruction

The Council reiterated its call to the international community for action to transform the Middle East region, including the Gulf, into a zone free of all weapons of mass destruction, including nuclear weapons. The Council affirmed once again that Israel must accede to the Treaty on the Non-Proliferation of Nuclear Weapons and submit all of its nuclear facilities to the International Atomic Energy Agency inspection regime.

In this context, the Council considered the recent developments in the situation between India and Pakistan as represented by the nuclear tests recently carried out by both countries. While it expresses great sadness and concern at this arms race between the two countries and at its dangerous consequences for the security and stability of the region, the Council calls upon the two countries to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty and to resume their dialogue on all outstanding questions so as to promote peace and stability in the region. In this connection, the Council commended the Pakistani Government for its wise decision to halt its nuclear tests unilaterally and it expressed the wish that the Indian Government would emulate its neighbour with a view to achieving security and stability in South Asia and the Indian subcontinent.

The armed conflict between Eritrea and Ethiopia

The Council expressed great sadness at the armed conflict under way between Eritrea and Ethiopia, which had left many dead and wounded on both sides. It urged the two countries to halt the military confrontation between them, to engage in dialogue in order to settle their boundary disputes by peaceful means, to respond positively to the calls being made for mediation in order to contain their differences within the framework of the historical relations between the two neighbours, and to utilize their capacities in order to promote their development and ensure security and stability in the region.

The situation in Kosovo

The Council expressed its condemnation of the aggressive practices and of the policy of expulsion, starvation and ethnic cleansing being pursued by Serbian forces against the Muslim inhabitants of the Kosovo region. It calls upon the international community to do everything in its power to halt the inhuman actions being taken against this people so that the inhabitants of the Kosovo region may enjoy security and stability and the right to a life of freedom and dignity.

Extremism, violence and terrorism

The Council affirms once more that extremism, violence and terrorism are global phenomena that are not restricted to any particular people or region, and it reaffirms its commitment to its unconditional repudiation and rejection of all forms of violence and terrorism from whatever source they may come. The Council further expresses its regret that certain States are continuing to shelter extremist terrorist elements on grounds of protecting human rights. The Council reiterates its call to those States to distinguish between such rights and terrorist practices that threaten the security, integrity and stability of States and place their citizens and residents in the greatest jeopardy. It also urges these States, once again, to prevent such elements and extremist and terrorist groups from using their territory and exploiting their laws in order to obtain funding and weapons and from engaging in any other activities that threaten the security and integrity of States.

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/53/165
S/1998/601
1 July 1998
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Items 82 and 97 of the preliminary list*
EFFECTS OF ATOMIC RADIATION
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

SECURITY COUNCIL
Fifty-third year

Letter dated 27 June 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you a letter dated 25 June 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, containing a review of the disastrous effects on the environment and people in Iraq resulting from the use by United Kingdom and United States forces of depleted uranium shells during their aggression against Iraq in 1991.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council, and of the General Assembly under agenda items 84 (Effects of atomic radiation) and 98 (Environment and sustainable development).

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

* A/53/50.

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Annex

Letter dated 25 June 1998 from the Foreign Minister of Iraq addressed to the Secretary-General

I should like to draw your attention to the letter dated 16 June 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, Mr. John Weston, concerning the use of depleted uranium (DU) by United Kingdom forces during their aggression against Iraq in 1991 (S/1998/517).

Mr. Weston's assertion that United Kingdom tanks fired fewer than 100 DU rounds against Iraqi military forces constitutes yet another official acknowledgement that the United Kingdom Government, which joined with the Coalition States, under the leadership of the United States of America, in launching a war against Iraq, used weaponry that is internationally prohibited under the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, because of the suffering and tragedy which such weaponry and ammunition inflict on the civilian population and on combatants alike. The use of such weaponry has no justification other than to demonstrate ill will and a desire for devastation and indiscriminate killing to the point of genocide, which is outlawed by the international community and is an act for which its perpetrators are punished. It also constitutes a flagrant and serious violation of human rights.

The claim made in Mr. Weston's letter that the United Kingdom armoured forces operated at a considerable distance from the centres of population in southern Iraq is simply a desperate attempt which conveys the contempt and scorn shown for international customary laws, charters, agreements and instruments. We should like to refer here to a report, published in the 10 April 1995 edition of Le Monde Diplomatique, which was written by Mr. William M. Arkin, President of the Institute for Science and International Security in Washington. In the report, Mr. Arkin states that 940,000 30-mm shells, each containing 300 grams of DU, were fired from A-10 aircraft, and that 4,000 120-mm shells, each containing one kilogram of DU, were fired from tanks. It can therefore be estimated that a total of approximately 300 tons of DU was dropped on Iraq and Iraqi forces in Kuwait. The newspaper also cites the confidential report submitted by the United Kingdom nuclear authorities to the United Kingdom Government in November 1991, which stated that in places where enough volleys were fired, vehicle and ground contamination exceeded the permitted limits and constituted a hazard to local inhabitants. The report also said that the greatest hazard came from inhaling the fine particles of uranium dust produced when shells hit vehicles and set them alight. When a shell strikes, it added, a high proportion of the metal mass is converted into aerosol, which has particles that are easily airborne. They are also toxic to the kidneys and contain amounts of radiation which are hazardous to the lungs.

We should like to state that the competent Iraqi authorities formed specialist teams from medical and scientific research establishments to conduct medical, scientific and clinical surveys, and examine the effects on human health of the use of radiological weapons by the Coalition forces in the war

against Iraq. Unusual incidences of disease have appeared in Iraq, such as the abnormal increase in leukaemia cases, which are four or five times higher in number than in 1989. Children are affected in 75 per cent of such cases, reinforcing the belief that lymphatic blood cells are affected by radiation. Other diseases on the increase include lung cancer, cancer of the digestive system and skin cancer. There has also been a noticeable increase in congenital diseases and foetal abnormalities, such as babies born with extra limbs, with a distended head or without any head at all, as well as babies born with eye traumas or abnormalities, or with eyes that are completely concealed. Unusual cases of Down's syndrome twins have also emerged, as have bone deformities, genetic syndromes and the presence of abnormal chromosomes. There are also unexplained cases of hair loss and peculiar skin diseases in affected persons or persons who were in the vicinity of the areas shelled. The numbers of people suffering from severe attacks of dizziness, in conjunction with nausea and loss of balance, have also risen. In addition, growing numbers of people are suffering from distorted vision and partial loss of vision that is accompanied by severe headaches. Furthermore, there are unexplained cases of infertility in both sexes, and the number of miscarriages, stillbirths, premature births and difficult deliveries has increased.

I should like to refer to a report (E/CN.4/Sub.2/1997/27) submitted to the forty-ninth session of the Subcommission on Prevention of Discrimination and Protection of Minorities, which took place in 1997. In paragraph 23 of the section containing comments provided by non-governmental organizations, International Educational Development, Inc. states that "DU may cause death and serious illnesses, disabilities and birth defects long after its war-time use in weapons. It remains in the soil, water supply and atmosphere for generations, rendering water supplies and agricultural land unusable. According to United States Government documents, short-term effects of high doses of DU can result in death, while long-term effects of low doses have been implicated in cancer".

The use of such weaponry by the Coalition forces resulted, on the one hand, in the deliberate mass killing of individuals because of the nature of the high-powered destructive fire, and, on the other, in people outside the theatre of war operations being contaminated and afflicted by unprecedented symptoms of disease because of the toxicity of the radioactive material used. Moreover, there is widespread contamination of the environment that is not confined to the areas which were shelled, but extends to include water, soil and air, which in turn has an adverse impact on human and animal health in both the short term and the long term.

Iraq places the international legal and humanitarian responsibility on the States using this weaponry, in particular the United Kingdom and the United States of America, for the serious effects on human health and the environment in Iraq, and for the suffering which will be endured, not only by the present generation, but also by future generations. Iraq therefore reserves its right to seek compensation.

We should be grateful if the present letter and the annexed report could be circulated as a document of the fifty-second session of the General Assembly and of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

Appendix

The post-war environment in Iraq: unrelated medical phenomena - cancer, abortion, congenital anomalies, myopathy and neuropathy

A report on the use of depleted uranium weapons

1997

[Original: English]

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Impact of Radiation Weapons on Health

The population in Iraq was exposed to the explosion of thousands of tons of ammunition in the course of military operations of the US led allies. The ammunitions used were so immense and diversified, among which some were used for the first time in the history such as depleted uranium (DU). In addition to the severe direct effects of those weapons on civilians, their use caused a serious pollution of the environment. After many years, the long-term effects started to appear. Theses health effects were studied and the related data were analyzed. These effects include cancer, congenital anomalies, abortion, neuropathy and myopathy. Epidemiological and statistical studies are still being carried out to measure the extent of the immoral and illegal use of these weapons against Iraq. The collected data were tested for their statistical significance to assess their scientific value, and to prove the causal relationship of using DU with the impact on health and environmental pollution.

This report is not but a scientific proof put before the researchers and scientists for their consideration, and to enhance their work in this field in order to uncover the immoral and illegal use of DU by the US. The report, also, gives clear picture of the environmental pollution in Iraq which greatly affected and is still affecting the citizens of Iraq, specially in the bombarded areas. We put this scientific document before the world to reveal the intentions of the US aggression on Iraq. After all, will the claim of the aggressors that what they so call "Second Gulf War" was "clean"?!!!

The research included the following;

1- Field Environmental Studies

A- Many studies were carried out to determine the types of weapons and ammunition used and their impact on people and on environment. Special emphasis was given to the southern areas of Iraq that was subjected to intense bombing in the course of military operations.

B- A study revealed that vast areas in the south are polluted due to the use of radiological weapons. On top of the large

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number of casualties in those areas due to the instantaneous effect of these weapons, unusual diseases were registered later on. Also, many unexploded projectiles were found, among which was DU ammunition. (Fig. -1)

C- Tables 1, 2 and 3 clearly reflect the results of radiological pollution in the southern region, and present the material proof against the claim that the "Gulf War-II" was **clean**. !!!

D- The long-term effects of DU on the environment are still not fully developed. This presents a potential risk with time. This situation imposes the need to further field and specialized studies and research.

TABLE (1) Field Measurements at NORTH RUMAILA AREA

Radiation Exposure (Micro Roentgen/hr)

	Type of chosen sample	Background	chosen sample
1	Armored personal Carrier BMB-1	8.1	24.6
2	Armored personal Carrier MTLB	8.2	9.7
3	T-72 Tank	8.7	15.1
4	Rescue Tank	7.2	13.2

TABLE (2) Field Measurements at SHAMIA AIRFIELD / GUDAIRAT AL- AUDHAIMI AREA

Radiation Exposure (Micro Roentgen/hr)

	Type of chosen sample	Background	chosen sample
1	T-72 Tank	7.0	60.8
2	Armored personal Carrier (Watercan)	7.2-	60.3
3	Far away area from chosen sample (1) / T-72	7.1	7.3
4	Far away area from chosen sample (2) / Watercan	7.3	7.2

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TABLE (3) Field Measurements at DMZ and Surrounding Area

Radiation Exposure (Micro Roentgen/hr)

	Type of chosen sample	Background	chosen sample
1	Unexploded DU Warhead (near Karrange Oil Pumping Station on the Iraqi - Saudi border	7.4	83
2	Tank/T-55 (between cross road Nos 13 and 14)	7.6	21
3	Tank / T- 72 (No. 16107)	7.2	23
4	Tank /T-55 (Left of cross road No.9)	7.4	67
5	Tank/ T-72 (near international observation post between cross roads 12 and 13)	7.6	69
6	Tank/ T- 72 (South West on Mount Sanam)	7.0	65

2- Medical Studies

Many epidemiological and analytical studies were carried out on samples of unusual cases and diseases, and were statistically compared to control groups according to academic and scientific methodology.

2-1 First Study

A- This study dealt with five diseases; cancer, abortion, congenital anomalies, neuropathy and myopathy.

B- The study sample was selected from the cases that occurred for each of these five diseases for each governorate of Iraq.

C- For statistical analysis, a control group for each disease was selected from the same governorate.

D- Being subjected to bombardment or being in the bombarded regions was taken as in indicator in this study.

E- Five forms were carefully designed for this study. These included personal, environmental, social, epidemiological, health history, disease history and exposure to bombardment (place and time) data. The same applies to the control groups.

F- Data were statistically examined and analyzed to find out (Relative Risk), (Odds Ratio) and (Test of Significance).

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G- The total number of forms was (5764). Among those were (1314) abortion, (752) congenital anomalies, (667) cancer, (68) neuropathy and (81) myopathy cases, i.e., totaling (2882) cases. The number of control group was also (2882). (Table-4)

H- The study concluded that their is statistically significant relationship between the exposure to bombardment and the increase in cancer, abortion and congenital anomalies with odds ratios (4.6), (3.2) and (2.8) respectively. (Table- 8)

I- Diyala, Basra, Misan, Muthanna and Thi-Qar Governorates had the highest increase in cancer cases among other governorates. (Table- 5)

J- Nineva, Diyala, Baghdad, Basra, Misan and Najaf Governorates had higher increase of abortion cases. (Table-6)

K- Tamim, Diyala, Baghdad, Basra, Misan, Muthanna and Najaf Governorates had the highest increases in congenital anomalies. (Table-7)

Conclusions

1- The odds ratio in retrospective epidemiological studies had shown substantial deviation towards the exposure to bombardment and its relation to each of the five diseases that were examined in this study. The significance test assures that this relationship can in no way happen by chance.

2- The increase in cases and their geographical distribution among the governorates coincides with the actual bombardment and military operations and their intensity.

3- The cancer cases that had higher increase were leukemia, Lung Cancer, Ca Bronchus, Ca Bladder, Ca Skin, Ca Stomach for males and Ca Breast for females. This goes with WHO publications and the results of international research and studies on the impact of ionizing radiation. The increase in these types of cancers took place within three years after the aggression. Other types of cancer, such as CA Thyroid, needs more time to appear, 10-40 years after the exposure to radiation according to WHO literature.

4- The increases in abortion and congenital anomalies cases are

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considered to be rapid consequences of exposure to radiation. There are other congenital anomalies that continue for three to four generations for parents that were exposed to radiation.

Table -4 Sample and control groups for the five diseases according to governorate of Iraq

	Governorate	Abortion	Congenital Anomalies	Cancer	Neuropathy	Myopathy
1	Baghdad	44	42	16	4	13
2	Ninevah	90	30	39	14	6
3	Basra	42	94	31	28	10
4	Tamim	98	61	112	4	2
5	Misan	96	89	58	0	0
6	Anbar	92	77	5[illegible]	3	12
7	Salahudin	97	51	39	3	2
8	Thi-Qar	98	76	45	2	6
9	Muthanna	82	15	42	2	7
10	Wasit	96	37	53	4	11
11	Diyala	97	42	44	3	6
12	Babil	90	16	30	0	0
13	Najaf	111	79	43	1	6
14	Kerbala	90	16	30	0	0
15	Qadisia	91	17	31	0	0
	Total	1314	742	667	68	81

Table –5 Registered Cancer Cases in Baghdad and other governorates

	Governorate	1989	1994	Relative Risk
1	Baghdad	4183	6427	1.53
2	Ninevah	1500	1629	1.09
3	Basra	180	461	2.56
4	Tamim	86	114	1.33
5	Misan	37	218	5.89
6	Anbar	51	95	1.86
7	Salahudin	90	94	1.04
8	Thi-Qar	72	489	4.01
9	Muthanna	27	59	3.18
10	Wasit	44	69	1.56
11	Diyala	69	134	2.19
12	Babil	73	166	2.27
13	Najaf	70	126	1.80
14	Kerbala	28	45	1.61
15	Qadisia	53	86	10.62
	Total	6563	10212	

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Table- 6 Abortion Cases in Baghdad and other governorates for the years 1989 and 1994

	Governorate	1989	1994	Relative Risk
1	Baghdad	6281	7729	1.2
2	Ninevah	2364	3440	1.5
3	Basra	2137	3618	1.7
4	Tamim	1458	1826	
5	Misan	1879	3196	1.3
6	Anbar	2351	2622	1.1
7	Salahudin	1611	1507	0.9
8	Thi-Qar	1491	2728	1.8
9	Muthanna	1015	707	0.7
10	Wasit	1234	1882	1.5
11	Diyala	1382	3314	1.4
12	Babil	1219	1724	1.4
13	Najaf	987	2480	2.8
14	Kerbala	1138	2316	2.1
15	Qadisia	1223	2627	2.1
	Total	27770	41716	

Table- 7 Registered Cases of Congenital Anomalies Abortion in Baghdad and other governorates for the years 1989 and 1994

	Governorate	1989	1994	Relative Risk
1	Baghdad	138	294	2.1
2	Ninevah	65	77	1.1
3	Basra	40	117	2.9
4	Tamim	45	122	2.7
5	Misan	41	86	2.1
6	Anbar	34	71	2.1
7	Salahudin	64	68	1.1
8	Thi-Qar	29	32	1.1
9	Muthanna	35	81	2.3
10	Wasit	49	54	1.1
11	Diyala	34	36	1.1
12	Babil	38	44	1.2
13	Najaf	0	1235	
14	Kerbala	25	27	1.1
15	Qadisia	37	42	1.1
	Total	674	2386	

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Table- 8 Odds Ratio of the exposure to bombardment for the study and control groups for the five diseases in Iraq

Cases	Sample size	No. of cases	control	odd ratio
Abortion	1314	988 75%	637 48.7%	3.2
Congenital Anomalies	752	463 61.5%	318 42.2%	2.8
Cancer	667	519 77.8%	224 33.5%	4.6
Neuropathy	68	63 92.6%	58 85.3%	1.7
Myopathy	81	77 95%	73 90%	1.4

2-1 Second Medical Study

Another study was conducted after analyzing available data for cancer, congenital anomalies and abortion cases for some governorates. The study concluded the following;

A- There is a statistically significant relationship (odds ratio=3.85) for the sample group of cancer patients compared to the control group. This proves that there is 'Causal Association' between exposure to bombardment and increase in cancer cases. (Table-9)

B- The study, also, concluded that there is a statistical relationship for the sample group of congenital anomalies cases compared to the control group (Odds Ratio=2.05). Statistically, this is considered to be highly significant, and proves that there is a relationship between exposure to pollution and the cases.

C- The above also applies for the abortion cases where Odds ratio was 2.9.

D- There is a change in the epidemiological pattern for the most prevailing cancer types in Iraq. Leukemia and Non-Hodgkin's Lymphoma became the 2nd and 3rd rank respectively, while rank of Ca Bladder changed after being the 2nd rank for a long period (25 years) next to Ca Bronchus. (Table-12)

E- The incidence rate for age groups (45-50) and (50-55) had

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become the highest after Jan., 1991. Prior to that, the age group (60-65) had the highest cancer incidence in Iraq. (Cancer Registry, 1976-1991, Ministry of Health)

F- New type of cancer cases had emerged. These types were not of did not have importance prior to Jan., 1991. These include Osteo Sarcoma, Teratoma, Nephroblastoma and Rhabdomyosarcoma.

3- Recommendations

A- Some types of cancer cases do not appear until a long period of time elapses after exposure to radiation. WHO, in its publication on exposure to radiation, estimates that period to be 40 years for Ca Thyroid. The same applies for other long term diseases and health problems that do not show until more time passes. This implies continuous monitoring and surveillance.

B- All medical studies recommended that research and studies should be enhanced and continued. They also recommend future prospective studies to be conducted.

4- Summary

In 1991, the environment in Iraq was exposed to the greatest ever damage due to the aggression led by the US. In order to highlight the extent of that damage, this report was presented to the exceptional session of the UN General Assembly on Environment and Development. All friends, international and humanitarian organizations are called upon to join us to overcome the burden of pollution caused by the aggression and the continuation of UN sanctions imposed on Iraq, and hence to put an end to this humanitarian catastrophe. And, simply because the environmental impact is not stopped by political borders, the damage does not affect Iraq only, but it as well, affects all the countries of the region and the global environment.

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Table - 9 Study Group for Cancer Cases vs. Control Group

	study group	control group
Yes	197	286
No	5	28
Total	202	314

Odds Ratio =3.85

Cause: Exposure to Bombardment

Table - 10 Study Group for Congenital Anomalies Cases vs. Control Group

	study group	control group
Yes	41	39
No	6	13
Total	47	52

Odds Ratio =2.05

Cause: Exposure to Bombardment

Table - 11 Study Group for Abortion Cases vs. Control Group

	study group	control group
Yes	24	41
No	3	15
Total	27	56

Odds Ratio =2.9

Cause: Exposure to Bombardment

Table – 12 Percentage of Cancer Types of the study group

Ca Bronchus	16.4%
Leukemia	14.3%
N-lymphoma	13.7%
Ca Larynx	10.6%
Ca Bladder	9.4%
Ca Skin	8.6%
Others [1]	27.0%

[1]Others include Ostetsarcoma, Tertoma, Medull blastoma, Nephroblastoma 3rd Ventricle Tumors, Rhabdomyosarcoma.

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Distribution of Leukemia in the southern provinces/Iraq

1989-1996

Province	1989		1993		1994		1995		1996	
	Total No. of cases*	Leukemia	Total No. of cases*	Leukemia	Total No. of cases*	Leukemia	Total No. of cases*	Leukemia	Total No. of cases*	Leukemia
Wasit	226	5.3%	200	7.0%	203	7.4%	191	7.3%	224	4.9%
Maysan	134	4.5%	129	6.2%	121	5.8%	81	7.4%	118	11.9%
Al-Qadisyah	176	6.8%	225	15.1%	185	13.0%	169	5.9%	145	6.2%
The-Qar	283	4.6%	312	8.7%	274	8.4%	234	7.7%	248	6.9%
Al-Basrah	294	5.4%	294	8.5%	230	6.1%	319	9.1%	286	14.3%
Al-Muthana	104	3.8%	165	10.9%	112	8.0%	111	9.9%	99	5.1%

* Total No. Of different types of Ca. cases

UNITED
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Security Council

Distr.
GENERAL

S/1998/602
1 July 1998

ORIGINAL: ENGLISH

LETTER DATED 1 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF QATAR TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With regard to the nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya by the Security Council in its resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 and as a result of the decisions on 27 February 1998 by the International Court of Justice relating to the cases brought against the United Kingdom of Great Britain and Northern Ireland and the United States of America concerning the aerial incident of Pan Am flight 103 at Lockerbie, United Kingdom, the Organization of the Islamic Conference is submitting the following views and decisions on the case in question.

In two separate judgments handed down on 27 February 1998, the International Court of Justice declared that it had jurisdiction to deal with the merits of the disputes between the Libyan Arab Jamahiriya and the United Kingdom and between the Libyan Arab Jamahiriya and the United States based on article 14, paragraph 1, of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971. In its opinions, the Court therefore rejected the arguments by the United Kingdom and the United States that even if the Montreal Convention conferred on the Libyan Arab Jamahiriya the right to try the suspects itself, those rights could not be exercised because they were superseded by Security Council resolutions 748 (1992) and 883 (1993). The Court stated: "In accordance with established jurisprudence, if the Court had jurisdiction on that date, it continues to do so; the subsequent coming into existence of the above-mentioned resolutions cannot affect its jurisdiction once established."

In the light of the foregoing, the Security Council resolutions serve no other purpose than to contravene the Court's power to adjudicate the cases on the merits and should either be suspended, or, in the alternative, be lifted pending the outcome of these cases. Furthermore, the Islamic summits, the last of which was held in Tehran in December 1997, the League of Arab States, the Organization of African Unity and the Non-Aligned Movement called upon the Security Council either to suspend or to lift the sanctions imposed on the Libyan Arab Jamahiriya. This was reaffirmed by the Council of Ministers of the Organization of the Islamic Conference held in Doha, Qatar, from 15 to 17 March 1998, which welcomed the two decisions of the International Court of

Justice and called upon the Security Council to suspend immediately the sanctions imposed on the Libyan Arab Jamahiriya pending the outcome of these two cases.

The decision of the Organization of the Islamic Conference has also been strengthened by the declaration of the Ministerial Conference of the Non-Aligned Movement, held in Cartagena, Colombia, from 18 to 20 May 1998. The Ministerial Conference recommended to the twelfth summit of the Movement to decide to discontinue compliance with the Security Council resolutions if the concerned States do not respond favourably to the above options at the time of the sanctions review in July 1998.

The decisions adopted by these forums are based on the Charter of the United Nations and represent the position of the majority of the international community. The member States of the Organization of the Islamic Conference maintain the view that compliance with the decisions of the International Court of Justice, as well as responding to the will of the international community, will serve to strengthen the credibility of the principal organs of the United Nations.

In conclusion, the Organization of the Islamic Conference calls upon the Security Council to accept either of the following options:

1. The suspension of the sanctions imposed on the Libyan Arab Jamahiriya pending the decisions of the International Court of Justice on the merits concerning this issue; or

2. The immediate lifting of the sanctions imposed on the Libyan Arab Jamahiriya.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Nasser bin Hamad AL-KHALIFA
Permanent Representative of the
State of Qatar to the United Nations
and Chairman of the Islamic Group

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Security Council

Distr.
GENERAL

S/1998/603
1 July 1998

ORIGINAL: ENGLISH

LETTER DATED 1 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press statement by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia issued today, 1 July 1998, in connection with Security Council resolution 1177 (1998), adopted on 26 June 1998, on the crisis between Ethiopia and Eritrea.

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Durl MOHAMMED
Ambassador
Permanent Representative

98-19105 (E) 010798

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Annex

Press statement issued by the Ministry of Foreign Affairs of Ethiopia on 1 July 1998

ON SECURITY COUNCIL RESOLUTION AND ERITREA'S RESPONSE - YES, BUT

It must have been very obvious to all those who have been following the crisis imposed on Ethiopia by the Eritrean authorities through their aggression, that Ethiopia's preferred option for resolving the crisis has been, and remains to be, the peaceful way. This is, despite its prerogative under international law to exercise its legitimate right of self-defence.

Ethiopia's unequivocal acceptance of the U.S-Rwanda proposal is a confirmation of this Ethiopian commitment to peace and its resolve to seeking a peaceful resolution of the military confrontation. Ethiopia's full and unreserved acceptance of the proposal by the facilitators should, in this context, be understood for what it really means. Ethiopia accepted the proposal not because it has no quarrel with everything contained in the proposal - a fact that can easily be overlooked - but because peace demanded that Ethiopia must do whatever is necessary, short of accepting that which would reward the aggressor and humiliate Ethiopia and its people.

On Eritrea's part, its response to the peace initiative was negative from the outset. It refused to cooperate with the facilitators who happened to be mutual friends of the two countries and whose good offices were accepted by both, willingly and with no reservation. Eritrea refused the proposal by the facilitators for one reason only, because it failed to give blessing to Eritrea's illegal occupation through aggression of Ethiopian territory.

Then came the decision of the thirty-fourth Assembly of Heads of State and Government of the OAU which unequivocally endorsed the proposal of the facilitators and appealed to Ethiopia and Eritrea to accept the proposal and implement it. True to form, the Eritrean reaction was negative and the Asmara authorities once again made it clear that peace was not their interest.

It is under these circumstances and following Eritrea's rejection of the appeals of both the facilitators and of the OAU, at the highest level, that the United Nations Security Council was made to be seized with the crisis between Ethiopia and Eritrea. There was virtually no stone unturned and no trick left unutilized by Eritrea - including pure and simple fabrication of stories and other diversionary tactics all unprecedented in the annals of diplomatic history - to prevent the Security Council from being seized with the issue, most particularly to prevent the Council from coming out with a just verdict.

But Eritrea failed to succeed and the Security Council did adopt a resolution on 26 June 1998, whose key elements gave endorsement to the OAU decision and, ipso facto, to the proposal by the facilitators.

Ethiopia has accepted this resolution by the Security Council in its entirety, without picking and choosing and with no Ifs and Buts.

On the other hand, Eritrea's response has been no more than gimmick. The Eritrean authorities have found it necessary this time around to conceal their lack of commitment to peace. They could not afford to be seen to always reject appeals for peace, all the more so because this time the appeal was being made by the Security Council. Accordingly, the Asmara authorities decided to let it be known that they would go along with the resolution of the Security Council, but - and this is the key - on the basis of a selective reading of the Council's decision and of picking bits and pieces from the resolution which is calculated to ignore its key elements.

The international community, and the Security Council in particular, cannot, and we are confident will not, allow the Eritrean authorities to get away with possibilities for prevaricating and for being disingenuous. They should be pinned down on whether or not they are prepared for a peaceful resolution of the crisis which hinges on their acceptance of the proposal which requires them to vacate Ethiopian territory that they have occupied through aggression. This is one of the key elements of the resolution by the Security Council and Eritrea cannot say yes to the decision by the Council, and then in the same breath pretend that it is not required by the same resolution to accept the proposal of the facilitators one of whose key elements is Eritrea's withdrawal from Ethiopian territory. Eritrea should not be allowed to succeed in this attempt at fudging the issues involved which is transparently disingenuous. This again is a reflection of the underlying unwillingness of the Eritrean authorities to accept and implement the proposal of the facilitators which they know perfectly well is the only viable and realistic basis for avoiding that option which Ethiopia has refused resorting to because of its commitment to a peaceful resolution of the crisis.

Now that the Security Council has spoken in clear terms in support of the proposal already on the table, Eritrea should be denied all possibilities for creating confusion and should be required to implement the provisions of this important Security Council resolution without Ifs and Buts. On this depends whether or not the slim chance which might be available for a peaceful resolution of the crisis would be used properly. Here again, as it has always been since the beginning of the crisis, the ball is in Eritrea's court.

In this context, the international community has the responsibility of continuing to put pressure on the Eritrean regime to withdraw its troops from Ethiopian territory on the basis of the proposal made by the facilitators and endorsed by the OAU as well as now supported by the Security Council.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/604
2 July 1998
ENGLISH
ORIGINAL: RUSSIAN

NOTE VERBALE DATED 17 JUNE 1998 FROM THE PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that, in accordance with Security Council resolution 1156 (1998) of 16 March 1998, the President of the Russian Federation has issued a decree repealing, with effect from 16 March 1998, the provisions of Security Council resolution 1132 (1997) of 8 October 1997 prohibiting the sale and supply of petroleum and petroleum products to Sierra Leone.

The Permanent Mission would also like to report that the Russian Federation is preparing to adopt appropriate legislation to implement Security Council resolution 1171 (1998) of 5 June 1998.

98-19185 (E) 020798 020798